

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-117-FDW-DCK**

TANNA R. PHIPPS,)
Plaintiff,)
v.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 17) filed January 10, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion without prejudice to re-file.

Plaintiff's motion does not appear to indicate that the requirement of consultation has been met pursuant to Local Rule 7.1 (B).

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 17) is **DENIED WITHOUT PREJUDICE**.

Signed: January 10, 2012

David C. Keesler
United States Magistrate Judge